

E-235/C-91-681 ORDER INITIATING INVESTIGATION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Darrel L. Peterson
Cynthia A. Kitlinski
Dee Knaak
Norma McKanna
Patrice M. Vick

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Complaint
Against Ely Municipal Utilities
By Certain Non-Resident
Customers

ISSUE DATE: November 5, 1991

DOCKET NO. E-235/C-91-681

ORDER INITIATING INVESTIGATION

PROCEDURAL HISTORY

On August 26, 1991 certain non-resident customers of Ely Municipal Utilities filed a complaint under Minn. Stat. § 216B.17, subd. 6 (1990) challenging the utility's right to charge them a \$5.00 monthly surcharge for street and sidewalk maintenance. They claimed the maintenance was not necessary for the provision of their utility service and should be funded from general City revenues.

The complaint came before the Commission on October 22, 1991. The City appeared and stated the surcharge was necessary to fund utility-related street and sidewalk maintenance. Complainants continued to challenge both the appropriateness and the amount of the surcharge.

FINDINGS AND CONCLUSIONS

The Commission finds that this complaint merits further investigation. The Commission does not have enough information at this point to determine whether or not the surcharge at issue is appropriate.

The Commission will therefore request that the Department of Public Service, which has broad investigatory and enforcement authority under Minn. Stat. § 216A.07 (1990), investigate the merits of this complaint. The Commission will take final action after the Department has completed its investigation and submitted its report and recommendation.

ORDER

1. The Department of Public Service shall investigate the merits of this complaint. The Department shall file a report and recommendation when it has completed its investigation and shall serve copies of the report and recommendation on the City of Ely and the complaint petition sponsor.
2. The City of Ely and complainants shall file any comments on the Department's report and recommendation within 20 days of the date it is filed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)